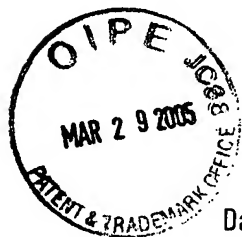




**FOLEY
HOAG** LLP
ATTORNEYS AT LAW



Fax

Date: July 27, 2004

To: Centralized Facsimile
Number/PTO

Fax #: 703-872-9306

Confirm#:

Client Matter#: 18006-301

From: Kevin A. Oliver

Sender's Number: 1241

User #: 6674

Total Pages Sent (Including Cover Sheet): 32

Office: Boston

Message

Re: Application No. 10/004,090
Filed: October 23, 2001
Title: Data Storage Device
Attorney Docket No. EMR-003.01

Dear Sir/Madam:

Attached subject to a Certificate of Facsimile dated July 27, 2004 are the following:

1. Supplemental Information Disclosure Statement Under 37 C.F.R. § § 1.56 and 1.97 (2 pages);
2. Form PTO-1449 (1 page);
3. References A - B;
4. Fee Transmittal for FY 2004 in duplicate (2 pages); and
5. Certificate of Transmission under 37 CFR 1.8 (1 page).

Kevin A. Oliver
Reg. No. 42,049

IMPORTANT – PLEASE READ

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IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION PLEASE TELEPHONE THE SENDER.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kowalchik, et al.

Application No: 10/004,090

Filed: October 23, 2001

For: Data Storage Device

Examiner: Chance, Christian

Art Unit: 2187

Atty. Docket No. EMR-003.01

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.56 and 1.97**

Dear Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants and/or their Attorney in compliance with the requirements of 37 C.F.R. § 1.56. Copies of the documents (References A-B) are also being submitted. Applicants respectfully request that the Examiner consider the listed documents and indicate they were considered by making appropriate notations on the attached Form PTO-1449.

In compliance with the requirements of 37 C.F.R. §§ 1.56 and 1.97, Applicants have cited for the Examiner's consideration a co-pending U.S. patent application that is owned at least in part by the assignee of this application and that describes subject matter related to the present invention. The co-pending application is listed herewith in accordance with M.P.E.P. 609 III.D which states: "Applicants may wish to list U.S. patent application numbers on other than Form PTO-1449 or PTO/SB/08A format to avoid the application numbers of pending applications being published on the patent. If a citation is not printed on the patent but has been considered by the Examiner in accordance with this section, the patented file will reflect that fact as noted in subsection III.C(2) above."

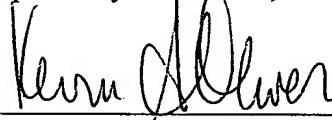
No copy of the co-pending application has been provided. If the Examiner wishes to have a copy of the co-pending application, the Examiner should contact the Attorney of record.

Our Docket #	Serial #	Date Filed	Title
EMR-004.01	10/001,317	October 23, 2001	Disk Cache Interfacing System and Method

This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that the cited documents are material or constitute "prior art." If the Examiner applies the listed documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the claimed subject matter over the listed documents, should one or more of the referenced documents be applied against the claims of the present application.

Applicants' attorney hereby authorizes the Office to charge fees which may be required to **Deposit Account No. 06-1448, Ref. EMR-003.01.**

Respectfully Submitted,



Kevin Oliver
Reg. No. 42,049

Date: July 27, 2004

Customer No: 25181
Patent Group
Foley Hoag LLP
155 Seaport Blvd.
Boston, MA 02110
Tel. (617) 832-1241
Fax (617) 832-7000



Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**
(Use several sheets if necessary)

Docket Number (Optional)
EMR-003.01

Application Number
10/004,090

Applicant
Kowalchik et al.

Filing Date
October 23, 2001

Group Art Unit
2187

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AA	Us-5,195,100	03-1993	Katz et al.	714	22	
AB	US-3,959,778	05-1976	Brette, Yves-Jean	714	22	

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.



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PTO/SB/17 (10-03)
Apr 1 for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trad. Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180

Complete if Known

Application Number	10/004,090
Filing Date	October 23, 2001
First Named Inventor	Kowalchik et al.
Examiner Name	Chace, Christian
Art Unit	2187
Attorney Docket No.	EMR-003.01

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 06-1448, Reference: EMR-003.01

Deposit Account Name Foley Hoag LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims		Fee from below		Fee Paid
Total Claims		-20 **	= 0	X		=	0
Independent Claims		-3 **	= 0	X		=	0
Multiple Dependent				X		=	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Kevin A. Oliver

Registration No. (Attorney/Agent)

42,049

Telephone

(617) 832-1241

Signature

Date

July 27, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile
transmitted to the United States Patent and Trademark Office

on July 27, 2004.

Date

Signature

~~Teresa Barbuto~~

Typed or printed name of person signing Certificate

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certificate must identify each submitted paper.

Supplemental Information Disclosure Statement Under 37 C.F.R. §§
1.56 and 1.97 (2 pages); Form PTO-1449 (1 page); References A-B; Fee
Transmittal for FY 2004 and copy (2 pages); and a FAX transmittal sheet.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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TIME : 07/27/2004 17:31
NAME : FOLEY HOAG LLP
FAX# : 617-832-7000
TEL# :

DATE, TIME
FAX NO. /NAME
DURATION
PAGE(S)
RESULT
MODE

07/27 17:20
917038729306
00:11:44
32
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STANDARD
ECM



**FOLEY
HOAG** LLP
ATTORNEYS AT LAW

Fax

Date: July 27, 2004

To: Centralized Facsimile
Number/PTO

Fax #: 703-872-9306

Confirm#:

Client Matter#: 18006-301

From: Kevin A. Oliver

Sender's Number: 1241

User #: 6674

Total Pages Sent (Including Cover Sheet): 32

Office: Boston

Message

Re: Application No. 10/004,090
Filed: October 23, 2001
Title: Data Storage Device
Attorney Docket No. EMR-003.01

Dear Sir/Madam:

Attached subject to a Certificate of Facsimile dated July 27, 2004 are the following:

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2. Form PTO-1449 (1 page);
3. References A - B;

and 1.97 (2 pages); and



Auto-Reply Facsimile Transmission




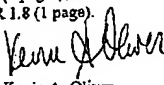
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Date Received: 7/27/2004 5:15:27 PM [Eastern Daylight Time]
Total Pages: 32 (including cover page)

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8/7/27/2004 17:20 617-832-7888		FOLEY HOAG LLP		PAGE 81/32	
		FOLEY HOAG LLP ATTORNEYS AT LAW			
				Fax	
Date: July 27, 2004					
To: Centralized Facsimile Number/PTO		Fax #: 703-872-9306		Confirm#:	
Client Matter#: 18008-301					
From: Kevin A. Oliver		Sender's Number: 1241		User #: 6674	
Total Pages Sent (including Cover Sheet): 32				Office: Boston	
Message					
Re: Application No. 10/004,090 Filed: October 23, 2001 Title: Data Storage Device Attorney Docket No. EMR-003.01					
Dear Sir/Madam:					
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5. Certificate of Transmission under 37 CFR 1.8 (1 page).					
 Kevin A. Oliver Reg. No. 42,049					
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<small>IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION PLEASE TELEPHONE THE SENDER.</small>					
<small>Seaport World Trade Center West / 155 Seaport Blvd. / Boston, MA 02210-2600 / TEL: 617.832.1000 / FAX: 617.832.7000 PAGE 1/32 * RCVD AT 7/27/2004 5:15:27 PM [Eastern Daylight Time] * SVR:USPTO-EF-XRF-1/2 * ONIS:8729306 * CSID:617 832 7000 * DURATION (min-sec):12-14</small>					